

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Miscellaneous Firearms, Silencers and
Ammunition

Defendant.

Case No. C-03-1920-RMW
Case No. C-09-80136-RMW

ORDER RE STATUS

[Re Docket No. 117, 52]

Kevin Dugan has requested to know the status of the "Notices of Appeal" he filed on September 24, 2012, in case numbers C-03-1920-RMW and C-09-80136-RMW. The Clerk apparently treated the "Notices" as statements by Dugan that he intended to appeal, but not as actual notices of appeal. However, Dugan's latest filing makes it clear he believed the "Notices" were in fact formal notices of appeal. Although the language of the "Notices" is ambiguous, they are labeled "Notice of Appeal." Because Dugan is pro se, his filings should be construed liberally. Therefore, the court finds that Dugan's filings of September 24, 2012, (C-03-1920-RMW, dkt. no. 114 and C-09-80136-RMW, dkt. no. 49) should be considered notice of appeals.

1 The Clerk is ordered to treat the filings as notices of appeal and transmit notice to the Court of
2 Appeals.

3 Dugan also asked for an order staying the court's previous order authorizing the
4 destruction of the firearms. The court denies this request because it finds Dugan's appeal does not
5 have any colorable merit.

6 Finally, Dugan asks the court to consolidate his appeals, but that is the jurisdiction of the
7 Court of Appeals and thus is denied.

8
9 Dated: December 13, 2012


Ronald M. Whyte
United States District Court Judge